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*Special Counsel to Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MARTIN GETTINGER, individually, and in his
capacity as Trustee for TREBOR MANAGEMENT
CORP. RETIREMENT PLAN #1, TREBOR
MANAGEMENT CORP. #3 EMPLOYEE
PROFIT SHARING PLAN, and MISCORK
CORP. RETIREMENT PLAN; CLARK
GETTINGER, individually; TREBOR
MANAGEMENT CORP. RETIREMENT PLAN

Adv. Pro. No. 10-05046 (SMB)

#1; TREBOR MANAGEMENT CORP. #3
EMPLOYEE PROFIT SHARING PLAN;
GETTINGER MANAGEMENT LLC PROFIT
SHARING PLAN; and MISCORK CORP.
RETIREMENT PLAN,

Defendants.

NOTICE OF MEDIATION REFERRAL

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants (the “Parties”) may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A.

Through this Notice of Mediation Referral, the Parties hereby mutually agree to enter mediation. Pursuant to the Avoidance Procedures, the Response Due Date shall be deferred while the mediation is pending. Avoidance Procedures, ¶ 2E.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, the Parties agree that within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order.

Dated: New York, New York
March 19, 2014

By: /s/ Howard L. Simon
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Substantively Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: Fort Lauderdale, FL
March 19, 2014

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